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To: Members of The House Judiciary Committee
From: Carrie J. Williams, Chair, Legislative Committee, Criminal Law and Practice
Section
Date: 2/3/2023
Subject: HB330—Postconviction Review—Motion for a Reduction of Sentence
Position: **Support**

The Legislative Committee of the Criminal Law & Practice Section of the Maryland State Bar Association (MSBA) Supports HB958 – Postconviction Review – Motion for Reduction of Sentence.

This bill will allow a State’s Attorney to file a motion to reduce the sentence for an incarcerated individual. It spells out some of the criteria the court should look at in determining whether a change in sentence is in the interests of justice, including the record of the individual while incarcerated and whether their age, time served, physical condition and other changed circumstances make them no longer a threat to public safety. And it provides for notice to the victim and allows for their participation in any hearing.

The bill addresses a variety of problems in the current law, which precludes reconsideration after five years absent some kind of error on the part of the prosecution or defense. The bill would also provide State’s Attorneys a tool to address cases where there may have been disproportionate or unequal sentences based on external factors unrelated to the case in question, including the race of the defendant or the victim, or where there have been significant changes in the way specific crimes are enforced, as is true for many drug offenses.

If you have questions about the position of the Criminal Law and Practice Section’s Legislative Committee, please feel free to address them to me at carriej.williams@gmail.com. Additional information can also be provided by Shaoli Katana at MSBA - shaoli@msba.org.